

Memorandum of Understanding

Between the American National Standards Institute (ANSI), and the National Institute of Standards and Technology (NIST)

1.0 Purpose

- 1.1 The underlying purpose of this Memorandum of Understanding (MOU) is to enhance and strengthen the national voluntary consensus standards system of the United States and to support continued U.S. competitiveness, economic growth, health, safety, and the protection of the environment.
- 1.2 The National Institute of Standards and Technology (NIST) of the Department of Commerce and the American National Standards Institute (ANSI) agree on the need for a unified national approach to develop the best possible national and international standards, as reflected by the U.S. National Standards Strategy adopted by ANSI on August 31, 2000. This approach requires the best technical efforts of the United States in standards to ensure that our needs and interests are considered as national and international standards are developed, so that our international competitiveness is strengthened.
- 1.3 ANSI and NIST agree on the need for better communication within and between the private sector and Federal Government on voluntary standards and conformity assessment. There is a need to ensure the timely flow of relevant information about developments that affect those interests, and for improved liaison to facilitate decision-making and implement actions on standards and conformity assessment at the national and international levels. It is also critical that affected U.S. Government agencies are encouraged to contribute to the development and implementation of national and international voluntary standards.

This MOU is intended to facilitate and strengthen the recognition of ANSI as the representative of U.S. interests at the international level by all participants; improve domestic communication and coordination among both private and public sector parties in the United States on voluntary standards issues; and increase the effectiveness of U.S. Government agency participation in the national and international voluntary standards-setting process. It is also intended to facilitate the implementation by both parties of the National Standards Strategy.

2.0 Agreement

- 2.1 ANSI is the recognized U.S. member body to the International Organization for Standardization (ISO), and, through the U.S. National Committee, to the International Electro technical Commission (IEC). It is also the U.S. member body to the Pacific Area Standards Congress (PASC), the Pan American Standards Commission (COPANT), and the International Accreditation Forum (IAF). As the U.S. representative to these bodies, ANSI shall participate in the related policy-making groups and committees of ISO, IEC, PASC, COPANT, and IAF, and shall convene delegations and appoint technical groups of a broad spectrum of experts to represent the United States voluntary standards community in the deliberations of relevant Boards, ad hoc groups, individual Technical Committees, and Working Groups of these organizations.
- 2.2 ANSI and NIST agree to provide a communications conduit between the voluntary, private sector, and the government standards and conformity assessment interests. They will work together to ensure the flow of relevant information about developments that affect those interests, and provide a liaison service to facilitate decision-making and implementation of needed actions at the national and international levels.

3.0 ANSI Responsibilities

- 3.1 ANSI is responsible for ensuring that U.S. interests are represented at all policy and technical levels within ISO and IEC. It must convene accountable and competent delegations to develop and present U.S. positions for all ISO and IEC committees for which the United States holds Technical Advisory Groups, including ISO and IEC Council and ISO General Assembly committees. It will encourage strong and effective participation by appropriate U.S. stakeholders in all relevant committees, subcommittees, and working groups. ANSI will facilitate the building of consensus on standards issues and provide information about international standardization activities. ANSI is responsible for ensuring that the various U.S.-based Standards Developing Organizations (SDOs) are informed about ISO and IEC activities and given every opportunity to participate. ANSI shall take into account the positions of all affected interests and shall work with them to develop and promote a single, coordinated U.S. position in all activities of the international, non-treaty organizations referenced in 2.1.
- 3.2 This MOU recognizes the desirability of direct cooperation among ANSI, SDOs, and any given Federal agency. Cooperation among domestic entities responsible for standards is essential to ensure the international competitiveness and effective representation of U.S. interests in private international standards organizations. The intent of this MOU is to recognize ANSI as the focal point for the exchange of information and development of representative U.S. positions for consideration at the international, non-treaty voluntary organizations referenced in 2.1.
- 3.3 ANSI accredits SDOs to develop and publish American National Standards in accordance with the principles of openness, balance of interests, due process, and consensus. ANSI works through its accredited standards development process to avoid duplication and overlap in proposed standards. ANSI is further responsible for approving proposed standards as American National Standards, and thereby meeting the obligations of the World Trade Organization Code of Good Practice.
- 3.4 ANSI accredits Management Systems Registrars and Product Certification Organizations in accordance with the relevant ISO Committee on Conformity Assessment guides and standards.
- 3.5 ANSI implements the National Standards Strategy through consultation with SDOs, industry, consumers, and government agencies.

4.0 **NIST Responsibilities**

- 4.1 NIST's role, under the National Technology Transfer and Advancement Act of 1995 (Public Law [P.L.] 104-113) and as delegated by the Secretary of Commerce in the Office of Management and Budget Circular A-119 and the Trade Agreements Act of 1979 (P.L. 96-39), is to coordinate Federal activities in voluntary standards and to ensure adequate representation of U.S. interests in all relevant international standards organizations. NIST coordinates standards activities with responsible government agencies to use voluntary standards to the extent practicable, to participate appropriately in their development, and to ensure that they meet Federal agency needs. This MOU recognizes the responsibilities of individual agencies and does not preempt the responsibility of any Federal agency or take away any authority from any Federal agency to pursue its legislated regulatory programs.
- 4.2 NIST develops and implements means for facilitating, coordinating, and communicating information on voluntary standards activities among government agencies. NIST ensures that Federal agencies are aware of and support ANSI activities within ISO, IEC, or other private sector, international non-treaty standards and conformity assessment bodies such as COPANT, PASC, and the IAF. Finally, NIST will encourage agencies to use ANSI-accredited SDOs to the extent feasible.
- 4.3 NIST facilitates information exchange between Federal agencies and the private sector on voluntary standards activities, using electronic means of communication to the extent feasible. It works with ANSI, Federal agencies, and the private sector to ensure that U.S.

interests can participate appropriately in international standards activities to enhance U.S. international competitiveness. NIST provides technical experts to participate in the standards development process, both nationally and internationally, and encourages appropriate participation by other Federal agencies.

- 4.4 NIST recognizes accreditation programs for U.S. private sector conformity assessment activities in accordance with the National Voluntary Conformity Assessment System Evaluation Program (15 CFR Part 286). For laboratory accreditation programs, NIST accepts those laboratory accreditation bodies found competent by the National Cooperation for Laboratory Accreditation (NACLA) recognition process in accordance with the terms of the NIST-NACLA MOU, signed July 13, 2000.

5.0 Strategies

- 5.1 NIST and ANSI will work on appropriate strategies for the success of the short- and long-term national goals for standards and conformity assessment, outlined in this MOU.
- 5.2 ANSI will support implementation of the National Standards Strategy and will meet U.S. obligations in ISO, IEC, COPANT, and PASC.

6.0 Other Agreements

This MOU does not take precedence over any other MOUs that ANSI may have with individual Federal agencies such as the Occupational Safety and Health Administration, or that NIST may have with other private sector bodies.

7.0 Annual Meeting

The Director of NIST, ANSI's Chairman of the Board, and ANSI's President and Chief Executive Officer agree that they and other appropriate representatives from their organizations shall meet annually to review this MOU and its implementation.

8.0 Termination

Either party may terminate this agreement with written notice to the other party.

Mark W. Hurwitz
President, American National
Standards Institute

Raymond G. Kammer
Director, National Institute of
Standards and Technology

Date: _____

Date: _____